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Attorney for Kevin Wilson		
IN THE UNITED STAT	FFS DISTRICT CAUDT FOR	
IN THE UNITED STATES DISTRICT COURT FOR SOUTHERN DISTRICT OF CALIFORNIA		
SOUTHERN DIST	MCI OF CALIFORNIA	
KEVIN WILSON)	
Plaintiff,) CIVIL ACTION NO.: '13CV1431 BEN BL	
) CIVIL ACTION NO.: 13CV 1431 DEN DE	
VS.) SECTION:	
J.P. ALLEN COMPANY DBA)	
HOLIDAY INN BURBANK-MEDIA CENTER a California Corporation; and		
DOES 1 through 10, inclusive.) JURY TRIAL DEMANDED	
DEFENDANTS))	
	_)	
COMPLIANT		
Plaintiff, Kevin Wilson, a person of the full age of majority and resident of the State of		
Louisiana, represents that:		
	I.	
Made defendants herein are:		
a) J.P. Allen Company dba Holiday Inn Burbank-Media Center, under information		
and belief, a business entity incorporated in the State of California and doing business as the		
Holiday Inn Burbank-Media Center; and,		
CO	DMPLIANT	

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b) XYZ Insurance Company, an insurance company whose name is unknown at this time and who at all times pertinent hereto issues a policy of insurance covering J.P. Allen and Company.

II.

This Court has jurisdiction over this matter under 28 U.S.C.S. 1332 because the parties are citizens of different states and the amount in controversy exceeds \$75,000.

III.

On or about February 11, 2012, the plaintiff, Kevin Wilson exited the Holiday Inn Burbank-Media Center heading to the airport shuttle.

IV.

While proceeding to the shuttle, Kevin Wilson fell as a result of an unmarked drop in elevation in front of the entrance to the hotel on the hotel property.

V.

The accident, as well as the injuries which resulted were a direct and proximate result of the negligent employees of J.P. Allen Company and/or J.P. Allen Company, which includes, but is not limited to the following actions:

- a) Failure to properly mark and distinguish the change in elevation;
- b) Effectively camouflaging the elevation drop;
- c) Failure to do what should have been done and failing to see what should have been seen in order to have avoided the occurrence of the incident made the basis of these proceedings;
- d) Failure to properly maintain the area in front of the hotel where the incident occurred;
 - e) Failure to manage the property in a prudent manner;
 - f) Failure to exercise due caution under the circumstances; and,
- g) Any and all other acts of negligence and liability which shall be shown at the time of trial.

VI. 1 Plaintiff itemizes his damages, which have included foot surgery and the inability to work 2 from the date of the accident forward, as follows: 3 a) Pain and suffering, both physical and mental/emotional: past, present and future; 4 b) Bodily disability: past, present and future; 5 c) Loss of use/function of parts of body: past, present and future; d) Impairment of psychological functioning: past, present and future: Loss of enjoyment of life: past, present and future; e) 8 f) Medical expenses: past, present and future; 9 Lost wages: past, present and future; g) 10 h) Disability from working to earn an income: past, present and future; 11 i) Destruction of earning capacity: past, present and future; and, 12 Disability from engaging in recreation: past, present and future; j) 13 Plaintiff maintains that he is entitled to all such damages as are reasonable in the 14 premises, in accordance with California law. 15 VII. 16 At all times pertinent hereto, J.P. Allen Company owned and managed the Holiday Inn 17 Burbank-Media Center where the accident occurred. 18 VIII. 19 J.P. Allen Company is liable for the actions of its employees under the doctrine of 20 respondeat superior and vicarious liability. 21 IX. 22 At all times pertinent hereto, defendant, XYZ Insurance Company, provided a policy of 23 insurance covering the J.P. Allen Company, and, as such, XYZ Insurance Company is liable for 24 the damages suffered by the plaintiff. 25 X. 26 Plaintiff desires and is entitled to a trial by jury. 27 WHEREFORE, plaintiff prays that: 28

1	a) After due proceedings be had, there be Judgment in the plaintiff's favor and		
2	against defendants as are reasonable in the premises in accordance with the provisions of the		
3	law;		
4	b) Plaintiff be granted a trial by ju	ry; and,	
5	c) Plaintiff be granted all other legal and general relief as the nature of this case may		
6	permit.		
7	Respectfully submitted,		
8			
9	DATED: June 19, 2013		
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11	·	/Ceola McDonald	
12		CEOLA McDONALD Attorney for PLAINTIFF 19506 Highway 59 North, #305	
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